

Virginia Stationary Source Operating Permit (Title V)

Until such time as this permit is reopened and revised, modified, revoked, terminated or expires, the permittee is authorized to operate in accordance with the terms and conditions contained herein. This permit is issued under the authority of Title 10.1, chapter 13, §10.1-1322 of the Air Pollution Control Law of Virginia. This permit is issued consistent with the Administrative Process Act, and 9 VAC 5-80-50 through 9 VAC 5-80-300 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution of the Commonwealth of Virginia.

Permit Number

VA-30529

Effective Date

November 26, 2002

Expiration Date

November 26, 2007

Authorization to operate a Stationary Source of Air Pollution as described in this permit is hereby granted to:

Permittee Name:	Martinsville Thermal, LLC
Mailing Address:	P.O. Box 717 Ridgeway, Virginia 24148
Facility Name:	Martinsville Thermal, LLC
DEQ Registration No.:	30529
Facility Location:	Frith Drive in Henry County near Martinsville, VA
AIRS Identification No.:	51-089-0073

Permit Issued this 26th day of November, 2002

Robert G. Burnley, Director
Department of Environmental Quality

Attachments: Table of Contents, 2 pages
Permit Conditions, 19 pages

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I Facility Information

Permittee	Facility
Thermal Ventures (dba Martinsville Thermal, LLC)	Martinsville Thermal, LLC - Frith Drive
226 Opportunity Parkway	P.O. Box 717 87 Frith Drive
Akron, Ohio 44307	Ridgeway, Virginia 24148-0717
Responsible Official	Contact person
Richard Pucak	Jim Benson
Vice President of Operations	Chief Engineer
330-374-0600	330-374-0600

VA Registration Number: 30529

AIRS Identification Number: 51-089-0073

Facility Description: 4961 - sale of steam for industrial purposes.

II Emissions Unit Specific Requirements

A. Insignificant Emission Unit Inventory List

Emission Unit No.	Emission Unit Description	Citation (9 VAC_)	Pollutant Emitted (5-80-720 B.)	Uncontrolled Emissions (5-80-720 B.)
2	Coal handling and storage silo system	5-80-720.B.1.	PM-10	< 5 tons/yr
3	ash handling system	5-80-720.B.1.	PM-10	< 5 tons/yr
4	wood handling system	5-80-720.B.1.	PM-10	< 5 tons/yr

B. Process Units

Emission Unit No.	Stack No.	Emission Unit Description	Manufacturer and Date of Construction	Size/Rated Capacity
1	EP1	water tube steam boiler	Keeler, 1982	120 x 10 ⁶ Btu/hr (heat input)

C. Pollution Control Equipment

Stack No./ Emission Unit No.	Control Equipment Description	Manufacturer and Date of Construction	Size/Rated Capacity	Pollutant
EP1 / 1a	Multicyclone	Barron Industries 66 tube, Base III 9K16.6-ST collector	N/A	PM-10
EP1 / 1b	Electrostatic Precipitator (ESP)	PPC Industries Model 23R-1230-2712S	Rated at 96.7 percent efficiency	PM-10

D. Emission Unit Limitations / Specific Permit Terms

1. Keeler 120 x 10⁶ Btu/hr boiler – Emission Limits

Regulated Pollutant	Limitation/Standard		Applicable Requirement
	lb/10⁶ Btu/hr	tons/yr*	
PM	0.15	78.84	Condition #10 permit dated 2/15/02
PM10	0.14	73.58	Condition #10 permit dated 2/15/02
SO ₂	0.47	247.03	Condition #10 permit dated 2/15/02
NO _x	0.40	210.24	Condition #10 permit dated 2/15/02
CO	0.44	231.26	Condition #10 permit dated 2/15/02
VOC	0.18	94.61	Condition #10 permit dated 2/15/02

* Tons/yr calculated monthly as the sum of each consecutive 12 month period.

2. **Fuel** - The approved fuels for the 120×10^6 Btu/hr (heat input) boiler (Unit #B1) are wood and coal.
(9 VAC 5-80-10 H and Condition #7 of permit dated 2/15/02)
3. **Emission Controls** - Particulate emissions from the 120×10^6 Btu/hr (heat input) boiler (Unit #B1) shall be controlled by a multicyclone followed by an electrostatic precipitator. Each control device shall be provided with adequate access for inspection and shall be in operation when the boiler is operating.
(9 VAC 5-80-10 H and Condition #3 of permit dated 2/15/02)
4. **Fuel Throughput** – In order to meet the annual emission limitation included in this permit, the wood/coal mixture shall not exceed thirty percent (30%) coal by BTU content on an annual basis.
(9 VAC 5-80-10 H and Condition #8 of permit dated 2/15/02)
5. **Fuel Specifications** - The fuels shall meet the specifications below:

WOOD excluding any wood which contains chemical treatments or has affixed thereto paint and/or finishing materials or paper or plastic laminates:

Average annual heat content (Wood):	5,000 Btu/lb HHV
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COAL:

Average annual heat content (Coal):	13,000 Btu/lb HHV
Average sulfur content per shipment:	0.9%
Average ash content per shipment:	7.0%

(9 VAC 5-80-10 H and Condition #9 of permit dated 2/15/02)

6. **Visible Emission Limitations** - The visible emissions from the 120×10^6 Btu/hr Keeler boiler shall not exceed twenty percent (20%) opacity, except for one (1) six (6) minute period per hour which shall not exceed thirty (30) percent opacity as determined by EPA Method 9 (reference 40 CFR 60 Appendix A).
(9 VAC 5-50-80, 9 VAC 5-50-260 and Condition #11 of permit dated 2/15/02)

E. Compliance Testing

- 1. Stack Tests** – The permittee shall conduct an initial stack test for PM, CO, and NO_x from the 120 x 10⁶ Btu/hr boiler to demonstrate compliance with the emission limits contained in Condition II D.1 of this permit. Pursuant to the stack test requirements as stated in the NSR permit dated February 15, 2002, the permittee has received an 18 month extension granted by the Department, which expires January 19, 2004. The permittee may submit a written request for an extension of testing requirement timeframes pursuant to the NSR permit to the Air Compliance Manager, West Central Regional Office and the Environmental Protection Agency, Region III. Such requests may be granted at the discretion of the Department or administrator. The testing required by this Title V permit shall be performed within 180 days after achieving the maximum production rate at which the facility will be operated, *or* when actual calculated emissions surpass fifty percent (50%) of the annual allowable emission levels as provided in the permit, *or* within 12 months prior to the expiration of this permit, whichever is sooner. Unless otherwise required by the Department or EPA, no more than one set of performance tests shall be required during the Title V permit term. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30, and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410. The details of the tests shall be arranged with the Air Compliance Manager, West Central Regional Office (WCRO). The permittee shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the Air Compliance Manager, WCRO within 60 days after test completion and shall conform to the test report format enclosed with this permit.
(9 VAC 5-50-30, 9 VAC 5-80-10 J and Condition #12 of permit dated 2/15/02)

F. Monitoring

- 1. Monitoring Devices** – The equipment which controls particulate matter emissions from the operation of the Keeler wood/coal-fired boiler (Unit #B1) shall be equipped with devices used to measure the following operating parameters:
 - For the multicyclone: Pressure drop (inches water)
 - For the electrostatic precipitator (ESP): Inlet gas temperature, voltage, current and spark rate in each field.

Each monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, at a minimum, the manufacturer's written requirements or recommendations. Each monitoring device shall be provided with access for inspection and shall be in operation when the multicyclone and ESP is operating.

(9 VAC 5-80-10H, 9 VAC 5-50-20C, 9 VAC 5-50-260 and Condition #4 of permit dated 2/15/02)

2. Monitoring Devices – The following continuous monitors are required:

- A continuous O₂ diluent monitor shall be installed to measure the oxygen content of exhaust gases, in order to ensure best combustion practices.
- A continuous opacity monitor (COM) and recorder with audible alarm shall be installed for measurement of visible emissions.
- A continuous steam flow monitoring system (CSFMS) consisting of a steam flow meter and continuous recorder shall be used to monitor the steam flow from the boiler and steam lines to each customer.

(9 VAC 5-80-10H, 9 VAC 5-50-20C, 9 VAC 5-50-260 and Condition #5 of permit dated 2/15/02)

G. Periodic Monitoring

1. Monitoring Device Observation – The control monitoring device used to measure the following variables shall be observed by the permittee sufficient to ensure good performance of the mechanical collector and electrostatic precipitator (ESP):

- a. Multicyclone: Pressure Drop (inches water);
- b. ESP: Inlet Temperature (degrees Fahrenheit);
- c. ESP: Primary voltage and amperage for each field;
- d. ESP: Secondary voltage and amperage for each field;
- e. ESP: Spark Rate
- f. O₂ diluent monitor: Oxygen content of exhaust gasses.
- g. Opacity monitor: Records of visible emission data.
- h. Steam flow meter and recorder: Steam production data.
- i. The permittee shall keep a log of the observations from each control monitoring device. The observation logs, continuous monitoring data and records shall be made available upon request by the DEQ and maintained on site for the most recent five year period.

(9 VAC 5-50-50 F and Condition #6 of permit dated 2/15/02)

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- 2. Visible Emission Observation** - At least one time per week an observation of the presence of visible emissions from the Keeler wood/coal fired boiler (Unit #B1) stack shall be made. If visible emissions are observed the permittee shall:
- take timely corrective action such that the boiler resumes operation with no visible emissions, or,
 - Perform a visible emission evaluation (VEE) in accordance with 40 CFR 60, Appendix A, Method 9 to assure visible emissions from the boiler stack does not exceed twenty percent (20%) opacity. The VEE shall be conducted for a minimum of six minutes. If any of the observations exceed 20 percent, the VEE shall be conducted for a total of 60 minutes. If compliance is not demonstrated by this VEE, timely corrective action shall be taken such that the boiler resumes operation with visible emissions of 20 percent or less.

The permittee shall maintain a boiler observation log to demonstrate compliance. The log shall include the date and time of the observations, whether or not there were visible emissions, any VEE recordings and any necessary corrective action. *If the opacity monitor compliance option allowed in Condition III.F.2. is used, it shall be noted in the log that a visual observation is not required.*

(9 VAC 5-80-110 E.)

H. Reporting

The permittee shall submit written reports in accordance with the General Conditions of this permit.

(9 VAC 5-80-110 F)

I. Recordkeeping

- 1. On Site Records** - The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the [Director, West Central Regional Office](#). These records shall include, but are not limited to:
- Daily, monthly, and annual throughput log of wood and coal used by fuel type sufficient to verify compliance with Permit Condition Nos. II D. 3. and 4. Annual throughput shall be calculated monthly as the sum of each consecutive 12 month period. The logs shall be kept on site and be made available upon request.
 - All coal shipments purchased, and fuel supplier certifications indicating the sulfur and ash content of each coal shipment.
 - Annual production of steam, calculated monthly as the sum of each consecutive 12 month period.

- d. Monthly emissions calculations for criteria pollutants from the boiler stack using calculation methods approved by the [Director, West Central Regional Office](#) to verify compliance with the lb/MMBtu and ton/yr emissions limitations in Condition II.D.1.
- e. All diluent, opacity and steam monitoring and recorder data as required by this permit.
- f. Compliance reports and results of all stack tests, visible emission evaluations and performance evaluations.
- g. Records of malfunctions of equipment which would cause a violation of any part of this permit.
- h. Operating procedures, maintenance schedules, and service records for all air-pollution related equipment.
- i. Scheduled and unscheduled maintenance and operator training.

These records shall be available for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-50-50, Conditions #15 and #22 of permit dated 2/15/02)

III Facility-wide Requirements

A. New source standard for visible emissions

No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 30% opacity as determined by EPA Method 9 (reference 40 CFR 60, Appendix A). Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section. This standard is applicable to the following emission units: coal handling and storage systems, ash handling and storage silo, and wood handling systems.

(9 VAC 5-50-80 and Condition #11 of permit dated 2/15/02)

IV Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of applicability
N/A	N/A	N/A

Nothing in this permit shield shall alter the provisions of § 303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to § 114 of the federal Clean Air Act, (ii) the Board pursuant to § 10.1-1314 or § 10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to § 10.1-1307.3 of the Virginia Air Pollution Control Law.
(9 VAC 5-80-140)

V General Requirements

A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.
(9 VAC 5-80-110 N)

B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless a timely and complete renewal application consistent, with 9 VAC 5-80-80, has been submitted, to the West Central Regional Office of the DEQ, by the owner, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.
4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all the terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.

5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.

(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D & 9 VAC 5-80-170 B)

C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
 - a. The date, place as defined in the permit, and time of sampling or measurements.
 - b. The date(s) analyses were performed.
 - c. The company or entity that performed the analyses.
 - d. The analytical techniques or methods used.
 - e. The results of such analyses.
 - f. The operating conditions existing at the time of sampling or measurement.

(9 VAC 5-80-110 F)

2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G. [Note that much of the recordkeeping required by this permit also serves as required periodic monitoring to determine emissions compliance and therefore needs to be addressed in the periodic reports.] The details of the reports are to be arranged with the Director, West Central Regional Office. The reports shall include:
 - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.
 - b. All deviations from permit requirements. For purposes of this permit, deviations include, but are not limited to:

- i. Exceedance of emissions limitations or operational restrictions;
 - ii. Excursions from control device operating parameter requirements, as documented by continuous emission monitoring, periodic monitoring, or compliance assurance monitoring which indicates an exceedance of emission limitations or operational restrictions; or,
 - iii. Failure to meet monitoring, recordkeeping, or reporting requirements contained in this permit.
- c. If there were no deviations from permit conditions during the time period, the permittee shall include a statement in the report that “no deviations from permit requirements occurred during this semi-annual reporting period.”
- d. The report shall be sent to the following address:

Virginia Dept. of Environmental Quality
Director, West Central Regional Office
ATTN: Air Compliance Manager
3019 Peters Creek Road
Roanoke, VA 24019

(9 VAC 5-80-110 F)

D. Annual Compliance Certification

1. Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and to DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
- a. The time period included in the certification. The time period to be addressed is January 1 to December 31.
 - b. The identification of each term or condition of the permit that is the basis of the certification.
 - c. The compliance status.

- d. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
 - e. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the reporting period.
 - f. Such other facts as the permit may require to determine the compliance status of the source.
2. This Title V annual compliance certification shall be sent to the following addresses:

Virginia Dept. of Environmental Quality

Director, West Central Regional Office
ATTN: Air Compliance Manager
3019 Peters Creek Road
Roanoke, VA 24019

U. S. Environmental Protection Agency, Region III

Clean Air Act Title V Compliance Certification (3AP00)
1650 Arch Street
Philadelphia, PA 19103-2029.

(9 VAC 5-80-110 K.5)

E. Permit Deviation Reporting

The permittee shall notify the Director, West Central Regional Office, within four (4) daytime business hours after discovery of any deviations from permit requirements which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the occurrence, the permittee shall provide a written statement explaining the problem, any corrective actions or preventative measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next quarterly or semi-annual compliance monitoring report required by this permit.

(9 VAC 5-80-110 F.2 and 9 VAC 5-80-250)

F. Failure/Malfunction Reporting

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours, notify the Director, West Central Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within two weeks provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written

statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, West Central Regional Office.

1. The emission units that have continuous monitors subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not subject to the two week written notification.
2. The emission unit subject to the reporting and the procedure requirements of 9 VAC 5-40-50 C and procedures of 9 VAC 5-50-50 C is Unit #1 – Keeler 120 MMBtu/hr boiler.
3. Each owner required to install a continuous monitoring system subject to 9 VAC 5-40-41 or 9 VAC 5-50-410 shall submit a written report of excess emissions (as defined in the applicable emission standard) to the board for every calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter and shall include the following information:
 - a. The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h) or 9 VAC 5-40-41 B 6, any conversion factors used, and the date and time of commencement and completion of each period of excess emissions;
 - b. Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the source. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted;
 - c. The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
 - d. When no excess emissions have occurred or the continuous monitoring systems have not been inoperative, repaired or adjusted, such information shall be stated in the report.
4. All emission units not subject to 9 VAC 5-40-50 C and 9 VAC 5-50-50 C must make written reports within two weeks of the malfunction occurrence.

(9 VAC 5-20-180 C and 9 VAC 5-50-50)

G. Startup, Shutdown, and Malfunction

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20, 9 VAC 5-40-20)

H. Malfunction as an Affirmative Defense

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
 - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
 - b. The permitted facility was at the time being properly operated.
 - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
 - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any requirement applicable to the source.

4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

I. Fugitive Dust Emission Standards

During the operation of a stationary source or any other building, structure, facility, or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited to, the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and,
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.

(9 VAC 5-40-90 and 9 VAC 5-50-90)

J. Severability

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G.1)

K. Duty to Comply

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or, for denial of a permit renewal application.

(9 VAC 5-80-110 G.2)

L. Need to Halt or Reduce Activity not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. (9 VAC 5-80-110 G.3)

M. Permit Action for Cause

This permit may be modified, revoked, reopened, and reissued, or terminated for cause as specified in 9 VAC 5-80-110 L, 9 VAC 5-80-240 and 9 VAC 5-80-260. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. (9 VAC 5-80-110 G.4)

Such changes that may require a permit modification and/or revisions include, but are not limited to, the following:

1. Erection, fabrication, installation, addition, or modification of an emissions unit (which is the source, or part of it, which emits or has the potential to emit any regulated air pollutant), or of a source, where there is, or there is potential of, a resulting emissions increase;
2. Reconstruction or replacement of any emissions unit or components thereof such that its capital cost exceeds 50% of the cost of a whole new unit;
3. Any change at a source which causes emission of a pollutant not previously emitted, an increase in emissions, production, throughput, hours of operation, or fuel use greater than those allowed by the permit, or by 9 VAC 5-80-11, unless such an increase is authorized by an emissions cap; or any change at a source which causes an increase in emissions resulting from a reduction in control efficiency, unless such an increase is authorized by an emissions cap;
4. Any reduction of the height of a stack or of a point of emissions, or the addition of any obstruction which hinders the vertical motion of exhaust;
5. Any change at the source which affects its compliance with conditions in this permit, including conditions relating to monitoring, recordkeeping, and reporting;
6. Addition of an emissions unit which qualifies as insignificant by emissions rate (9 VAC 5-80-720 B) or by size or production rate (9 VAC 5-80-720 C);
7. Any change in insignificant activities, as defined by 9 VAC 5-80-90 D.1.a(1) and 9 VAC 5-80-720 B and 9 VAC 5-80-720 C.

(9 VAC 5-80-110 G, 9 VAC 5-80-110 J, 9 VAC 5-80-240, and 9 VAC 5-80-260)

N. Property Rights

The permit does not convey any property rights of any sort, or any exclusive privilege.
(9 VAC 5-80-110 G.5)

O. Duty to Submit Information

1. The permittee shall furnish to the Board, within a reasonable time, any information that the Board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the Board along with a claim of confidentiality.
(9 VAC 5-80-110 G.6)
2. Any document (including reports) required in a permit condition to be submitted to the Board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.
(9 VAC 5-80-110 K.1)

P. Duty to Pay Permit Fees

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-355. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

Q. Alternative Operating Scenarios
NA

R. Inspection and Entry Requirements

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
 4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
- (9 VAC 5-80-110 K.2)

S. Reopening For Cause

The permit shall be reopened by the Board if additional federal requirements become applicable to a major source with a remaining permit term of three years or more. Such reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the Board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;
2. The permit shall be reopened if the administrator or the Board determines that the permit must be revised or revoked to assure compliance with the applicable requirements; or
3. The permit shall not be reopened by the Board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

T. Permit Availability

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

U. Transfer of Permits

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.

(9 VAC 5-80-160)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the Board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.
(9 VAC 5-80-160)
3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the Board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-160)

V. Permit Revocation or Termination for Cause

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The Board may suspend, under such conditions and for such period of time as the Board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-260)

W. Duty to Supplement or Correct Application

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

X. Stratospheric Ozone Protection

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F. (40 CFR Part 82, Subparts A-F)

Y. Accidental Release Prevention

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined by 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.
(40 CFR Part 68)

Z. Changes to Permits for Emissions Trading

No permit revision shall be required under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.
(9 VAC 5-80-110 I)

AA. Emissions Trading

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110, except subsection N, shall be included to determine compliance;
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions; and
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

VI State-Only Enforceable Conditions

The following terms and conditions are not required under the federal Clean Air Act or under any of its applicable federal requirements, and are not subject to the requirements of 9 VAC 5-80-290 concerning review of proposed permits by EPA and draft permits by affected states.

1. 9 VAC 5 Chapter 5 – Part II, Article 2: Emission Standards for Odor
2. 9 VAC 5 Chapter 5 – Part II, Article 5: Emission Standards for Toxic Pollutants from New and Modified Sources